

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2453

AN ACT

REPEALING SECTION 8-224, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-525; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 8-224, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 8, chapter 5, article 1, Arizona Revised Statutes, is
5 amended by adding section 8-525, to read:

6 8-525. Children; open court proceedings; factors; court
7 admonition; contempt of court

8 A. EXCEPT AS OTHERWISE PROVIDED PURSUANT TO THIS SECTION, COURT
9 PROCEEDINGS RELATING TO DEPENDENT CHILDREN, PERMANENT GUARDIANSHIP AND
10 TERMINATION OF PARENTAL RIGHTS ARE OPEN TO THE PUBLIC.

11 B. AT THE FIRST HEARING IN ANY DEPENDENCY, PERMANENT GUARDIANSHIP OR
12 TERMINATION OF PARENTAL RIGHTS PROCEEDING, THE COURT SHALL ASK THE PARTIES IF
13 THERE ARE ANY REASONS THE PROCEEDING SHOULD BE CLOSED. FOR GOOD CAUSE SHOWN,
14 THE COURT MAY ORDER ANY PROCEEDING TO BE CLOSED TO THE PUBLIC. IN
15 CONSIDERING WHETHER TO CLOSE THE PROCEEDING TO THE PUBLIC, THE COURT SHALL
16 CONSIDER:

17 1. WHETHER DOING SO IS IN THE CHILD'S BEST INTERESTS.

18 2. WHETHER AN OPEN PROCEEDING WOULD ENDANGER THE CHILD'S PHYSICAL OR
19 EMOTIONAL WELL-BEING OR THE SAFETY OF ANY OTHER PERSON.

20 3. THE PRIVACY RIGHTS OF THE CHILD, THE CHILD'S SIBLINGS, PARENTS,
21 GUARDIANS AND CAREGIVERS AND ANY OTHER PERSON WHOSE PRIVACY RIGHTS THE COURT
22 DETERMINES NEED PROTECTION.

23 4. WHETHER ALL PARTIES HAVE AGREED TO ALLOW THE PROCEEDING TO BE OPEN.

24 5. IF THE CHILD IS AT LEAST TWELVE YEARS OF AGE AND A PARTY TO THE
25 PROCEEDING, THE CHILD'S WISHES.

26 C. AT THE BEGINNING OF A HEARING THAT IS OPEN TO THE PUBLIC, THE COURT
27 SHALL DO THE FOLLOWING:

28 1. ADMONISH ALL ATTENDEES THAT THEY ARE PROHIBITED FROM DISCLOSING ANY
29 INFORMATION THAT MAY IDENTIFY THE CHILD AND THE CHILD'S SIBLINGS, PARENTS,
30 GUARDIANS AND CAREGIVERS, AND ANY OTHER PERSON WHOSE IDENTITY WILL BE
31 DISCLOSED DURING THE PROCEEDING.

32 2. EXPLAIN CONTEMPT OF COURT TO ALL ATTENDEES AND THE POSSIBLE
33 CONSEQUENCES OF VIOLATING AN ORDER OF THE COURT.

34 D. A PERSON WHO REMAINS IN THE COURT AFTER THE ADMONITION PURSUANT TO
35 SUBSECTION C MUST ABIDE BY THE COURT'S ORDER PROHIBITING DISCLOSURE OF THAT
36 INFORMATION. THE COURT MAY FIND A PERSON WHO FAILS TO DO SO IN CONTEMPT OF
37 COURT.

38 E. THE COURT MAY CLOSE AN OPEN PROCEEDING AT ANY TIME FOR GOOD CAUSE
39 SHOWN AND AFTER CONSIDERING THE FACTORS PRESCRIBED IN SUBSECTION B.

40 F. IF A PROCEEDING HAS BEEN CLOSED BY THE COURT, ANY PERSON MAY
41 SUBSEQUENTLY REQUEST THAT THE COURT REOPEN A PROCEEDING OR A SPECIFIC HEARING
42 TO THE PUBLIC IN RULING ON THIS REQUEST, THE COURT SHALL CONSIDER THE FACTORS
43 PRESCRIBED IN SUBSECTION B.